

with SB 844 updates
(effective Aug 28, 2010)

Missouri Ethics Commission

Guide to Ethics Laws 2012

A Plain English Summary



www.mec.mo.gov

06/2011

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This guide is intended to provide a plain English summary of the Missouri Ethics laws, including laws affecting the activity of individuals who are or may become candidates for elective office at the state, county, municipal or special district level in Missouri.

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About the Missouri Ethics Commission

Missouri Ethics Commission

The Missouri Ethics Commission was created by the Missouri Ethics Law of 1991 (§105.955 RSMo).

The Commission is charged with enforcement of and retention of information and reports related to:

- ◆ Conflicts of interest laws relating to
 - Public officials
 - Employees
- ◆ Lobbyist reporting laws
- ◆ Personal financial interest reporting laws
- ◆ Campaign finance disclosure laws

The Commission has six governor-appointed and senate-approved members, not more than three of the same political party. These members must also be from different congressional districts. The Commission elects a chair and vice-chair biannually.

The Commission issues advisory opinions regarding any of the laws which it enforces. Advisory opinions can be found on the Commission website.

Our Mission

We serve the public interest. We assist and educate the citizens of Missouri, public officials, lobbyists, and those participating in public elections. We create transparency and accountability and consistently enforce campaign finance, conflict of interest, and lobbying laws.

Information about the Ethics Commission
and all forms and requirements can be found on the
Commission's website at www.mec.mo.gov

About the Missouri Ethics Commission

Senate Bill 844 (Ethics Bill) Update

The Cole County Circuit Court stayed the court's judgment which ruled that Senate Bill 844 (ethics bill) was unconstitutional. The [stay](#) does not apply to Section 130.031.13 RSMo., prohibiting business entities formed under Chapter 347 to 360, RSMo., from contributing to political action committees.

The Missouri Ethics Commission provides updates as they occur. Watch our website at www.mec.mo.gov for the most recent information about Senate Bill 844.

NEW: Senate Bill 844

- ✓ SB 844 contains numerous provisions affecting those required to file reports with the Commission.
- ✓ Unless otherwise stated, all provisions are effective August 28th, 2010.
- ✓ View the following, found on our website, for more information:
 - ◆ SB844 FAQs
 - ◆ SB844 Fact Sheet,
 - ◆ SB844 Summary Tutorial
 - ◆ Truly Agreed To and Finally Passed version of SB844



All Required Filers

Personal Financial Disclosure (PFD)

Purpose

Personal Financial Disclosure provides the public with information about a **public official's, employee's** or candidate's financial interests. Historically used to disclose any potential conflicts of interest by a public official or employee. Also known as Financial Interest Statement. See §105.483—105.492 RSMo., for more information.

Who must file?

Public officials (and candidates) for the following positions are required to file personal financial disclosure statements (including former officials/employees who served in previous calendar year):

- ✓ Statewide office and designated staff
- ✓ Senators and Representatives
- ✓ New Associate Circuit Judge candidates (file with the Missouri Ethics Commission)
- ✓ Incumbent Judges and all other judicial candidates (file with Supreme Court)
- ✓ Certain state boards and commission members
- ✓ Certain employees of the state or political subdivisions of the state including those employees who are authorized to serve as the chief administrative officer, chief purchasing officer, general counsel, or promulgate or adopt rules and regulations
- ✓ Candidates and public officials in political subdivisions, where an ordinance has been adopted and filed with the Missouri Ethics Commission, that meet one or both of the following exceptions:
 - ◆ The candidate, official, or their relative (related within the first degree of blood or marriage) is doing business or owns a substantial interest in a business that has conducted business with the political subdivision in excess of \$500/transaction
 - ◆ The conflict of interest ordinance/resolution specifically requires the filing of a Personal Financial Disclosure statement



*File online at [Personal Financial \(FFD\) Filing](http://Personal Financial (FFD) Filing) or
www.mec.mo.gov/Filers/PFD_Filer_Login.aspx*

All Required Filers

Personal Financial Disclosure (PFD)

Annual Filers

- ✓ Certain positions, designated by political subdivisions with an annual operating budget over \$1 million dollars, are required to file a PFD statement.
- ✓ Annual filers should check with their political subdivision for their filing requirements.
- ✓ The political subdivision may adopt a conflict of interest ordinance or resolution and file the ordinance with the Missouri Ethics Commission. The ordinance, required to be adopted every 2 years, would identify positions required to file.
- ✓ Required to file after January 1st, and no later than May 1st.
- ✓ List of required filers:
 - ◆ Each year, the Missouri Ethics Commission requests a list of required filers from all designating agencies and/or political subdivisions with an annual operating budget over \$1 million dollars with or without an adopted ordinance or resolution.
 - ◆ Upon request, agencies are required to notify the Missouri Ethics Commission of individuals required to file.
 - ◆ An individual should contact his agency or political subdivision with questions about being designated by the agency.
- ✓ Annual filer notification:
 - ◆ The Ethics Commission annually notifies, in January of the year the statement is due, individuals (including former officials/employees) who have been designated as required to file by their agency or political subdivision.
 - ◆ State law also requires the agency, designating the individual as required to file, to notify the individual, including former officials/employees.
- ✓ Reporting time period:
 - ◆ Include entire previous calendar year (January 1 to December 31); **unless**
 - ◆ If not in the position for the entire calendar year, report from January 1 through the last day position was held.



See [Ordinance](#) on our website for more information and a sample.
Also at http://www.mec.mo.gov/EthicsWeb/PFD/PFD_Info.aspx#Section7

All Required Filers

Personal Financial Disclosure (PFD)

Newly Appointed or Employed

Appointments not requiring Senate confirmation

- ✓ Must file a PFD if the position specifically requires it:
 - ◆ Within 30 days from appointment date
 - ◆ With the Missouri Ethics Commission
 - ◆ Report for calendar year before the date of appointment
(ex: if appointed in 2011, report for calendar year 2010)

NEW: Appointments requiring Senate confirmation (SB844)

- ✓ Must file a PFD:
 - ◆ Prior to Senate confirmation if appointed during legislative session; or
 - ◆ Within 30 days of governor appointment if appointed when Senate is not in legislative session
 - ◆ With the Missouri Ethics Commission; and
 - ◆ With the President Pro Tem of the Senate
 - ◆ Report for calendar year before the date of appointment
(ex: if appointed in 2011, report for calendar year 2010)
- ✓ Must file a list of all political contributions made within the prior 4-year period (including name of candidate or committee)
 - ◆ File with President Pro Tem of the Senate prior to confirmation

New Employee

- ✓ Must file a PFD if the position specifically requires it.
 - ◆ Within 30 days from hire date
 - ◆ With the Missouri Ethics Commission
 - ◆ Report for calendar year before the date of employment
(ex: if newly employed in 2011, report for calendar year 2010)

Deadlines for All Filers:

- ✓ Fax filings ARE NOT accepted, must have original signature
- ✓ Electronically filed or hand-delivered—must be received by 5:00 pm **on** due date
- ✓ Mailed—must be post-marked no later than midnight the day **before** the due date



See the [Guide to Personal Financial Disclosure](#) brochure on our website. Also at www.mec.mo.gov/EthicsWeb/PFD/PFD_Publications.aspx

Candidates

Personal Financial Disclosure (PFD)

Purpose

Personal Financial Disclosure provides the public with information about a public official's, employee's or **candidate's** financial interests. Historically used to disclose any potential conflicts of interest by a public official or employee. Also known as Financial Interest Statement. See §105.483—105.492 RSMo., for more information.

Who must file?

(Public officials and) **candidates** for the following positions are required to file personal financial disclosure statements (including former officials/employees who served in previous calendar year):

- ✓ Statewide office and designated staff
- ✓ Senators and Representatives
- ✓ New Associate Circuit Judge candidates (file with the Missouri Ethics Commission)
- ✓ Incumbent Judges and all other judicial candidates (file with Supreme Court)
- ✓ Certain state boards and commission members
- ✓ Certain employees of the state or political subdivisions of the state including those employees who are authorized to serve as the chief administrative officer, chief purchasing officer, general counsel, or promulgate or adopt rules and regulations
- ✓ Candidates and public officials in political subdivisions, where an ordinance has been adopted and filed with the Missouri Ethics Commission, that meet one or both of the following exceptions:
 - ◆ The candidate, official, or their relative (related within the first degree of blood or marriage) is doing business or owns a substantial interest in a business that has conducted business with the political subdivision in excess of \$500/transaction
 - ◆ The conflict of interest ordinance/resolution specifically requires the filing of a Personal Financial Disclosure statement

 See the [Guide to Personal Financial Disclosure](#) brochure on our website. Also at www.mec.mo.gov/EthicsWeb/PFD/PFD_Publications.aspx

Candidates

Personal Financial Disclosure (PFD)

Candidates for elective office

- ✓ Must file a PFD with Missouri Ethics Commission
- ✓ No later than 14 days after the closing date for filing for candidacy
- ✓ If become a candidate after the certification date, must file PFD within 14 days of nomination
- ✓ Includes candidates for political subdivision with an annual operating budget over \$1 million dollars (unless the political subdivision has adopted an ordinance, order or resolution which excludes the candidate from filing a PFD)

Candidates for judicial office

- ✓ New Associate Circuit Judge candidates must file with the Missouri Ethics Commission.
- ✓ Incumbent Judges and all other judicial candidates must file with the Supreme Court.

Candidate notification

Candidates for public office receive notification of the filing requirement from their election authority when they file for office.

Candidate reporting time period

- ✓ Incumbent—Report information from January 1 of the previous calendar year to the closing date for candidacy (may be longer than a 12 month period)
- ✓ New Candidate—Report information for 12 months prior to closing date for candidacy

Candidate deadlines for filing

- ✓ Fax filings ARE NOT accepted, must have original signature
- ✓ Electronically filed or hand-delivered—must be received by 5:00 pm **on** due date
- ✓ Mailed—must be post-marked no later than midnight the day **before** the due date



See [Ordinance](#) on our website for more information and a sample.
Also at http://www.mec.mo.gov/EthicsWeb/PFD/PFD_Info.aspx#Section7

Candidates

Personal Financial Disclosure (PFD)

Candidate Filing

Candidates required to file a PFD must file according to the following dates:

2012 Statutory Election Dates	Feb 7	Mar 6 (see charter)	Apr 3	Jun 5	Aug 7	Nov 6
Closing Date of filing for Candidacy	Nov 22	Dec 20	Jan 17	Mar 20	Mar 27	Aug 21
PFD Filing Deadline* (14 days from the closing date of fil- ing for candidacy)	Dec 6	Jan 3	Jan 31	Apr 3	Apr 10	Sept 4
PFD Filing Deadline** (21 days from the closing date of fil- ing for candidacy)	Dec 13	Jan 10	Feb 7	Apr 10	Apr 17	Sept 11

*** Failure to file by the 14 day deadline results in a minimum \$10 per day late fee.**

**** Failure to file by the 21 day deadline results in removal from ballot.**

If there is a conflict of interest ordinance on file with the Missouri Ethics Commission, and the above deadlines are not met, any penalties are assessed by the political subdivision according to their ordinance.

An individual required to file a PFD because of his/her candidacy for office in a primary election, must amend the PFD, if there are any changes in financial interests, no later than the close of business on the Monday before the general election. (§105.487(1) RSMo.)

Candidates

Campaign Finance Disclosure

Purpose

Campaign finance disclosure law requires that all committees and all **candidates**, regardless of their reporting status, as well as certain individuals and entities, maintain accurate and up-to-date accounts and records regarding their campaign-finance activity. See Chapter 130 RSMo., for more information.

Candidate Reporting Requirements

The type of office a candidate is running for, the amount of money accepted (contributions) and the amount of money spent (expenditures) determines a candidate's level of reporting and if they have to form a campaign finance committee:

Candidate Type	Requirement	Reporting Requirement
<ul style="list-style-type: none">✓ Statewide Office✓ State Representative or State Senator✓ Municipal Office (population greater than 100,000)	<ul style="list-style-type: none">✓ Total contributions received are \$500 or less; and✓ Total expenditures made on behalf of the candidate are \$500 or less; and✓ No single contributor, other than the candidate, contributed more than \$325. <hr/> <ul style="list-style-type: none">✓ Candidate exceeds the thresholds listed above.	<p>Statement of Exemption and Exemption Statement of Limited Activity Reports</p> <p>Statement of Committee Organization*</p>
<ul style="list-style-type: none">✓ All other candidates	<ul style="list-style-type: none">✓ Total activity is \$1,000 or less; (includes contributions received + expenditures made by the candidate or any other person with the candidate's knowledge); and✓ No single contributor contributed more than \$325. <hr/> <ul style="list-style-type: none">✓ Candidate exceeds the threshold listed above.	<p>No filing requirement</p> <p>Statement of Committee Organization*</p>

* Plus subsequent campaign finance disclosure reports as required

Candidates

Campaign Finance Disclosure

Candidates

(SB 844)

- ✓ **NEW:** A successful candidate can not **take office** until the existing candidate committee or any committee where the candidate served as a treasurer or deputy treasurer has paid all fees assessed by the Commission (in addition to the current law that requires all required campaign finance disclosure reports to be filed)
- ✓ **NEW:** No person can **file for office** until the existing candidate committee or any committee where the person served as a treasurer or deputy treasurer has paid all fees assessed by the Commission (in addition to current law that requires all required campaign finance disclosure reports to be filed)

Candidate Disqualification

(SB 844)

NEW: **In addition** to current law regarding candidate disqualification for failure to file a personal financial disclosure statement:

- ✓ A candidate disqualified on the primary election ballot, cannot be selected by a party nominating committee as a:
 - ◆ Candidate for nomination to the same office on the same primary election ballot; or
 - ◆ Candidate for the same office on the corresponding general election ballot
- ✓ A candidate disqualified on the general election ballot, cannot be selected by a party nominating committee as a candidate for the same office on the same general election ballot

Candidates & Candidate Committees:

Read the *Committees—Campaign Finance Disclosure* section in this guide for more information about campaign finance disclosure.

Committees

Campaign Finance Disclosure

Purpose

Campaign finance disclosure law requires that all **committees** and all candidates, regardless of their reporting status, as well as certain individuals and entities, maintain accurate and up-to-date accounts and records regarding their campaign-finance activity. See Chapter 130 RSMo., for more information.

What is a Committee?

A committee is a person(s) who:

- ✓ Accepts contributions or spends money for the purpose of attempting to influence the action of voters; and
- ✓ The money spent or received exceeds certain dollar amounts



See the [When to Form & Register a Committee](#) brochure on our website. Also at www.mec.mo.gov/EthicsWeb/CampaignFinance/CF_Brochures.aspx

Complying with campaign finance requirements

If you are required to file a Statement of Committee Organization, you must:

1. Identify committee type
2. Form the committee
3. Register the committee
4. Identify “Where to File” the reports
5. File campaign finance reports
6. Amend committee information or reports as needed
7. Distribute any remaining funds & dissolve any debt
8. Terminate the committee



Committees

Campaign Finance Disclosure

Step 1: Identify Committee Type

There are six different types of committees and each has specific deadlines for formation:

Committee Type	Deadline for Forming
Campaign Committee Formed to support or oppose a ballot measure in a specific election or for the retention of judges.	30 days prior to the election date
Candidate Committee Formed by a single candidate for office for a specific election.	30 days prior to the election date
Debt Service Committee Formed to retire a committee's debt.	See website for more information
Exploratory Committee Formed to receive and spend money to determine whether an individual will seek public office.	See website for more information
Political Action Committee Formed to remain in existence beyond any one election/ballot issue, directed by someone other than candidate.	60 days prior to the election date
Political Party Committee Formed as a committee of a political party	See website for more information

Political Party Campaign Finance Committees are:

(SB844)

NEW: Restricted to:

- ✓ One (1) congressional district campaign finance committee per political party for each district
- ✓ One (1) state party campaign finance committee per political party

Committees

Campaign Finance Disclosure

NEW: Political Action Committees are:

(SB844)

Committees formerly known as “continuing committees” & are now referred to as “political action committees” (PACs). The definition remains the same.

☞ See the [Guide to Political Action Committees \(PACS\)](#) brochure on our website. Also at www.mec.mo.gov/EthicsWeb/CampaignFinance/CF_Brochures.aspx

Political action committees:

- ✓ May **receive** contributions from individuals; unions; federal political action committees; and corporations, associations, and partnerships formed under chapters 347 to 360, **and**

The Cole County Circuit Court stayed the court’s judgment which ruled that Senate Bill 844 (ethics bill) was unconstitutional. The **stay** does not apply to Section 130.031.13 RSMo., prohibiting business entities formed under Chapter 347 to 360, RSMo., from contributing to political action committees.

- ✓ Are **prohibited from receiving** contributions from other political action committees, candidate committees, political party committees, campaign committees, exploratory committees, or debt service committees, *however*:
 - ◆ Candidate, political party, campaign, exploratory and debt service committees can return contributions to a donor political action committee that is the origin of the contribution; and
 - ◆ The prohibited committee transfers described above do not apply to:
 - State Senate Majority & Minority Party PACs
 - State House Majority & Minority Party PACs
 - Constitution Party PAC
 - Libertarian Party PAC

☞ Search [House/Senate Party Committees](#) on our website for complete listing of the designated PACS. Also at www.mec.mo.gov/EthicsWeb/CampaignFinance/CF_DesignatedPACS.aspx

It is a violation of law to transfer anything of value to a committee with the intent to conceal its actual source.

Committees

Campaign Finance Disclosure

Step 2: Form the Committee

- ✓ The actions of the committee determine when the committee is formed (e.g. appointing a treasurer and/or deputy treasurer, opening a committee bank account, etc.)
- ✓ **NEW:** No person can form a new committee until all previous committees' campaign finance reports have been filed and all fees assessed have been paid (SB 844)

Treasurer/Deputy Treasurer Requirements:

- ✓ Must be a resident of Missouri
- ✓ If candidate committee, must be appointed by the candidate,
- ✓ **NEW:** A *deputy treasurer* may not serve on a new committee if in the past he/she served on a committee that has outstanding campaign finance reports due or unpaid fees assessed (SB 844)

☞ See the [Treasurer's Guide for Campaign Finance](#) brochure on our website. Also at: www.mec.mo.gov/EthicsWeb/CampaignFinance/CF_Brochures.aspx

Step 3: Register the Committee

- ✓ File Statement of Committee Organization with the appropriate authority within 20 days after the committee is formed and no later than the deadline for the filing of the first disclosure report
- ✓ If you are required to file with two filing entities, you must file an original Statement of Committee Organization with both entities.

Step 4: Identify “Where to file” reports

The type of ballot measure, office sought, or committee type determines where a candidate or committee files their campaign finance reports.

See chart on next page... ➔

Committees

Campaign Finance Disclosure

Where to File

Type of ballot measure, office sought, or committee type	Filing Entity
Ballot Measure	<ul style="list-style-type: none"> ✓ Statewide—Missouri Ethics Commission ✓ Local—Local election authority for the political subdivision or district
Candidate for: <ul style="list-style-type: none"> ✓ School, fire, ambulance, or other special purpose district ✓ City municipal office with 100,000 or less population ✓ County office in county with a population of 100,000 or less (except the County Clerk) 	<ul style="list-style-type: none"> ✓ County clerk of candidate's residency except that in a city or county having a board of election commissioners the board shall be the election authority
Candidate for: <ul style="list-style-type: none"> ✓ City municipal office with population greater than 100,000 ✓ County office in a county with a population greater than 100,000 ✓ County clerk, regardless of population ✓ General Assembly (State Representative or State Senator) ✓ Partisan Circuit Court Judge ✓ Partisan Associate Circuit Court Judge 	<ul style="list-style-type: none"> ✓ Missouri Ethics Commission and ✓ County clerk of candidate's residency except that in a city or county having a board of election commissioners the board shall be the election authority
Candidate for statewide office	<ul style="list-style-type: none"> ✓ Missouri Ethics Commission
Candidate for federal office	<ul style="list-style-type: none"> ✓ Federal Election Commission
Political Action Committee	<ul style="list-style-type: none"> ✓ Missouri Ethics Commission and ✓ Election authority where committee is domiciled
Political Party Committee	<ul style="list-style-type: none"> ✓ Statewide—Missouri Ethics Commission ✓ Other than Statewide—Missouri Ethics Commission and local election authority for a city, county, or district.

Committees

Campaign Finance Disclosure

Step 5: File Campaign Finance Reports

- ✓ All persons/committees required to form a campaign finance committee and file a Statement of Committee Organization must also file subsequent campaign finance disclosure reports as required.
- ✓ A committee discloses its campaign finances on campaign disclosure reporting statements, consisting of *either* a:
 - ◆ Statement of Limited Activity
 - ◆ Full Disclosure

Electronic Filing:

NEW: **Effective January 1, 2011**, all campaign finance committees required to file with the Missouri Ethics Commission are *required by law* to file their reports electronically with the Commission (SB844).

Due Dates & Deadlines for Filing:

- ✓ Reports electronically filed must be filed by 5:00 p.m. on the due date
- ✓ Reports mailed (local filers only) must be post-marked prior to the due date
- ✓ Reports hand-delivered (local filers only) must be delivered by 5:00 p.m. on the due date
- ✓ If the due date for filing a report falls on a Saturday, Sunday or an official holiday, the due date is extended to 5:00 pm on the next business day. (This does not apply to reports required to be filed after the 8 Day Before Election Report, ie: Late Expenditure Report, 48 Hour of Contribution over \$5,000, and Late Contribution Report)

Late Fees:

NEW: If a required campaign finance disclosure report is not filed by the due date a **\$50 per day**, not to exceed \$3,000, late fee applies, including Statement of Limited Activity Reports (except for the 8 Day Before Election Report which is assessed at \$100 per day, not to exceed \$3,000).

Committees

Campaign Finance Disclosure

Step 6: Amend committee information and/or disclosure reports as needed

- ✓ File an Amended Statement of Committee Organization within 20 days after a change occurs, but no later than the due date of the next required report.
- ✓ Include a brief description of what changed and why.

After Election:

Successful Candidates:

- ◆ Update election information to continue to receive contributions; or
- ◆ Use committee funds for necessary and ordinary expenses in connection with duties of office; or
- ◆ Terminate the committee

Unsuccessful Candidates:

- ◆ If more money on hand than debt, must terminate committee within 30 days
- ◆ If more debt than money on hand, can form a Debt Service Committee

NOTE: Successful candidate must file *30 Day After Election Report*, if have expenditures or contributions made, BEFORE being sworn-in. Time period is from day after last report filed through the day before the swearing-in.

Step 7: Distribute any remaining funds and dissolve any debt (See §130.034 for allowable uses of contributions)

Step 8: Terminate the Committee

File Committee Termination Statement & Disclosure Report

- ✓ Within 10 days of committee's dissolution
- ✓ Include time period through dissolution date
- ✓ Include disposition of funds (surplus/deficit)
- ✓ Include current contact info

☞ See the [After Election Requirements & Debt Service Committees](#) and/or the [Terminating a Committee](#) brochures on our website. Also at www.mec.mo.gov/EthicsWeb/CampaignFinance/CF_Brochures.aspx

Committees

Campaign Finance Disclosure

Filing Requirements and Dates

Reporting Period: The day after the last filed report's closing date (or the date of the filed Statement of Committee Organization) through the closing date shown below.

2012 Election Dates	Feb 7	Mar 6	Apr 3	Jun 5	Aug 7	Nov 6
Committee Organization Deadline (except political action committees)	Jan 8	Feb 5	Mar 4	May 6	Jul 8	Oct 7
Political Action Committee Organization Deadline	Dec 9	Jan 6	Feb 3	Apr 6	Jun 8	Sep 7
40 Day Before Report (§130.046.1(3) RSMo.)						
Closing Date (Date reported through)	Dec 24	Jan 21	Feb 18	Apr 21	N/A	N/A
Due Date	Dec 29	Jan 26	Feb 23	Apr 26	N/A	N/A
8 Day Before Report (§130.046.1(1) RSMo.)						
Closing Date (Date reported through)	Jan 26	Feb 23	Mar 22	May 24	Jul 26	Oct 25
Due Date	Jan 30	Feb 27	Mar 26	May 28	Jul 30	Oct 29
30 Day After Report (§130.046.1(2) RSMo.)						
Closing Date (Date reported through)	Mar 3	Mar 31	Apr 28	Jun 30	Sep 1	Dec 1
Due Date	Mar 8	Apr 5	May 3	Jul 5	Sep 6	Dec 6
Quarterly Reports (§130.046.1(3), 3 RSMo.)						
All committees must file quarterly reports no later than the 15 th day following the close of each calendar quarter. These quarterly reports are due until the committee terminates. See closing and due dates below.						
Closing Date (Date reported through)	<u>January</u> Dec 31	<u>April</u> Mar 31	<u>July</u> Jun 30	<u>October</u> Sep 30		
Due Date	Jan 15	Apr 15	Jul 15	Oct 15		

NOTE: 40 Day Before, 8 Day Before & 30 Day After Reports only required if made contributions or expenditures for that election.

Cont. 

Campaign Committees: For ballot measurers to be qualified on the ballot by initiative petition, see also [§130.046.2 RSMo.](#)

Committees

Campaign Finance Disclosure

Filing Requirements and Dates (cont.)

48 Hour Report of Contribution over \$5,000 (<u>§130.044.1 RSMo.</u>)
Any individual or committee receiving any contribution (including loans, see §130.011.(11) RSMo. for full definition of contribution) from any single contributor over \$5,000 must electronically report same to the Missouri Ethics Commission within 48 hours of its receipt (must also report this contribution in the committee's next filed report).
<u>NEW: Contributions Received >\$500 During Legislative Session (SB 844)</u> (<u>§130.044.2, 3 RSMo.</u>)
Any contribution (including loans, see §130.011.(11) RSMo. for full definition of contribution) received, over \$500, must be electronically reported to the Missouri Ethics Commission within 48 hours of its receipt (must also report this contribution in the committee's next filed report) for: <ul style="list-style-type: none">✓ Current office holder or candidates (including their committee) for the offices of State Representative or State Senator during the regular legislative session✓ Current office holders or candidates for the offices of Governor, Lieutenant Governor, Treasurer, Attorney General, Secretary of State, or Auditor during the regular legislative session, AND at any time when legislation from the regular legislative session awaits gubernatorial action
Late Contribution Report (<u>§130.050.3 RSMo.</u>)
Any receipt of a contribution (including loans, see §130.011.(11) RSMo. for full definition of contribution) over \$250 that is received between the 11 th day through the day before the election, must be reported within 24 hours of its receipt (must also report this contribution in the committee's next filed report). The disclosure may be made electronically or by any written means of communication.
Political Action Committee – Late Expenditure Report (<u>§130.046.3(2) RSMo.</u>)
Each time a political action committee spends more than \$250, whether in a single expenditure or in combined expenditures, after the 12 th day before an election, a full disclosure report must be filed within 24 hours. This does not include contributions made to another committee. (<i>See §130.031.13 RSMo., or our SB844 Fact Sheet for specific requirements regarding allowable contributions for political action committees.</i>)
Visit our website at www.mec.mo.gov for more information!

Candidate/Committee Checklist

- 1. Form Committee
- 2. Select Treasurer (must be resident of Mo.)
- 3. Open bank account
- 4. File Statement of Committee Organization
- 5. File Pin Application & Waiver
(Effective January 1, 2011, all committees required to file with the Missouri Ethics Commission must file electronically)
- 6. Declare candidacy with appropriate election authority during filing period (Candidates only)*
- 7. File Personal Financial Disclosure (PFD)
(Candidates only)
- 8. Review Reporting Calendars
- 9. Continuously file required Campaign Finance reports
- If unsuccessful candidate:
 - ✓ If more money on hand than debt, must terminate committee within 30 days
 - ✓ If more debt than money on hand, can form Debt Service Committee
- If successful candidate:
 - ✓ Update election information for committee before accepting future contributions or terminate committee
 - ✓ File all reports due, including *30 Day After Election*

* Can be done prior to steps 1 through 5 above.

Campaign Materials Identification Requirements

Who must comply? Any person publishing, circulating, or distributing printed material relative to any candidate for public office or any ballot measure within Missouri (See §130.011(21) RSMo., for definition of "person").

What is Printed Matter? Pamphlets, circulars, handbills, sample ballots, advertisements (including in newspapers/periodicals), signs (included those for display on vehicles), or other imprinted or lettered materials.

Items excluded as printed matter include items used for personal use given away or sold, (i.e. campaign buttons, pencils, or clothing) which are paid for by a candidate or committee. See §130.031 RSMo for more information.

Who Paid For The Printed Matter	Required Sponsor Information (following the words 'Paid for by')
Candidate from personal funds (only if no candidate committee exists)	First name & Last name by which candidate is known
Committee	Committee name as required to be registered by Missouri campaign finance law, & committee treasurer's name and title (serving when the material was paid for)
Corporation, Business Entity, Labor Org., Other Org. (not a committee or organized for influencing election(s))	Name of the entity, entity's principal officer's name, known title, and mailing address of entity or principal officer (if entity has no mailing address)
Individual(s)	Individual(s) name, & mailing address(es). If more than 5 may print "for a list of sponsors contact (name & address of one individual responsible for having material printed)". This individual must keep the names and amounts paid by all other individuals.
Can not use abbreviations or acronyms.	

Federal Laws Govern:

TV & Radio: If you are a broadcast station transmitting matter about a candidate or measure, you must provide sponsor identification in accordance with federal laws.

Federal Candidates: If you are a person causing matter to be printed or broadcasted about federal candidates, you must provide sponsor identification in accordance with federal laws.

 See the [Campaign Materials Identification Requirements](#) brochure on our website. Also at: www.mec.mo.gov/EthicsWeb/CampaignFinance/CF_Brochures.aspx

Complaints & Investigations

Filing a Complaint

Any individual may file a complaint with the Missouri Ethics Commission if that individual believes any candidate or other individual has violated the campaign finance disclosure laws, the personal financial disclosure laws, the conflict of interest laws, the lobbying laws, or any order, ordinance or resolution dealing with the official conduct of officials. See §105.957 RSMo for more information.

- ✓ Any complaint against a candidate alleging a violation of the conflict of interest or lobbying laws will not be accepted by the Ethics Commission from sixty days prior to the primary until after the date of the general election.
- ✓ No complaint can be accepted by the commission within fifteen days prior to the primary or general election in which the candidate is running for office.
- ✓ All complaints must be in writing and must be sworn to under penalty of perjury by the complainant.
- ✓ A copy of the complaint will be provided to the individual it is filed against within 5 days of receipt.
- ✓ A copy of the complaint form may be downloaded from the Commission's website.

Commission Investigations

- ✓ **NEW:** The Executive Director of the Missouri Ethics Commission can, without receipt of a formal complaint and upon approval of all 6 Commission members, conduct investigations on: (SB 844)
 - ◆ Lobbyists
 - ◆ Personal Financial Disclosure Requirements
 - ◆ Campaign Finance
 - ◆ Codes of Conduct
 - ◆ Conflict of Interest
 - ◆ Constitutional provisions, statutes, order, ordinance or resolutions
- ✓ Investigations by the Commission are confidential.
- ✓ Final actions of the Commission are public.



Search [Commission Cases - Final Actions](#) on our website.
Also at www.mec.mo.gov/EthicsWeb/Compliance/Compliance_CASearch.aspx

Conflict of Interest

Conflict of Interest

The general provisions of the law (see §105.450-105.467 RSMo for more information) as they apply to elected and appointed officials and some employees of the state and political subdivisions of the state, provide that an elected official cannot:

- ◆ Use their office for financial gain for him/herself, spouse or dependent children or certain businesses.
- ◆ Vote to hire any person related to the official by the fourth degree by blood or marriage. (e.g. great grandparent to first cousin).
- ◆ Perform a service for the political subdivision for pay of more than \$500 per transaction or \$5,000 per year unless the service is bid and the official, company, or partnership is the lowest bidder (if the official has more than a ten percent (10%) interest in the company or partnership). This also applies to the sale, rent, or lease of property to the political subdivision.
- ◆ Vote for or against any measure if they have received or have been promised any gift or payment of any item or value on condition of the vote.
- ◆ Receive anything of value to influence the action of the political subdivision.
- ✓ **NEW:** No statewide elected official, general assembly member or any person acting on their behalf may make any offer or promise to confer employment in exchange for an official's vote (SB 844).

Use of Public Funds

- ✓ No contributions or public funds can be spent by an officer, employee, or agent of a political subdivision to advocate, support, or oppose any ballot measure or candidate for public office.
- ✓ This does not prohibit the public official of a political subdivision from making public appearances or issuing press releases about a ballot measure.

Gubernatorial Appointments (SB 844)

- ✓ **NEW:** Appointment nominees requiring Senate confirmation must:
 - ◆ File Personal Financial Disclosure Statement; and
 - ◆ Submit a list of political contributions, made within a 4-yr period, to the Senate.

Lobbying

Definition and Requirements

A lobbyist is a person who attempts to influence the action of government. See §105.470-105.478 RSMo for more information.

- ✓ There are four types of lobbyists:
 - ◆ Legislative lobbyist
 - ◆ Executive lobbyist
 - ◆ Judicial lobbyist
 - ◆ Elected local government official lobbyist
- ✓ A lobbyist may register to lobby any or all of these government branches. Each lobbyist must do the following:
 - ◆ Annually register with the Missouri Ethics Commission
 - ◆ Pay a \$10 annual registration fee
 - ◆ File monthly report disclosing any monies spent on elected officials, their family, and/or staff and disclosing business relationships with public officials
- ✓ Failure to file the monthly statement results in a \$10 per day late fee.
- ✓ Lobbyists may terminate their status at any time.
- ✓ For more information, refer to Section 105.470, RSMo.

Reported Lobbyist Expenses

- ✓ Lobbyists report monies spent by the lobbyist principal and/or the lobbyist. They report monies spent on behalf of public officials, their staff and employees, spouses, and dependent children.
- ✓ Reported lobbyist monies spent include:
 - ◆ Printing & Publication
 - ◆ Media & other Advertising
 - ◆ Travel
 - ◆ Entertainment
 - ◆ Honorariums/Gifts
 - ◆ Meals/Food/Beverages
 - ◆ Other

Group Expenditures (SB 844)

- ✓ NEW: Location to be included as part of description in reports.
- ✓ NEW: Definition expanded to include statewide officials and to include employees of the related public official.

Training

Visit the [training](#) page on our website for the training schedule and to view web tutorials.

www.mec.mo.gov/EthicsWeb/Training.aspx

Notes

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Commissioners

Jim Wright
Chair
Republican
2nd Congressional District
Term expires March 15, 2012

James R. Tweedy
Vice Chair
Democrat
8th Congressional District
Term expires March 15, 2012

Jeffrey B. Davison
Republican
6th Congressional District
Term expires March 15, 2012

Vernon Dawdy
Democrat
3rd Congressional District
Term expires March 15, 2014

Louis J. Leonatti
Republican
9th Congressional District
Term expires March 15, 2014

Dennis Rose
Democrat
1st Congressional District
Term expires March 15, 2014

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Missouri Ethics Commission

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